UNITED STATES PATENT AND TRADEMARK OFFICE

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10/581,104	05/01/2007	Nadine Patry	PF030181	5370

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

		Application No.	Applicant(s)
Office Action Summary		10/581,104	PATRY ET AL.
		Examiner	Art Unit
		DENNIS MYINT	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *03/07/2011*.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-13* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-13* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20110508

DETAILED ACTION

1. This communication is responsive to Applicant's Amendment, filed on March 7,

2011.

2. In the Amendment filed on March 7, 2011, claims 1-13 were amended. Claims 1-

13 are pending in this application. Claims 1, 11, 12 and 13 independent claims. **This**

office action is made final.

3. In light of the amendments made to clam 1 and its dependent claims, rejection of

claims 1-10 under 35 U.S.C. 112 Second Paragraph in the previous office action is

hereby withdrawn.

Response to Arguments

4. Applicant's arguments filed on March 7, 2011, have been fully considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.

6. This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   Claims 1-7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Jannink (U.S. Patent Number 7268791) in view of Boateng (U.S. Patent

Application Publication Number 2003/0020237).

As per claim 1, Jannink is directed to a device for processing information in a

database (Jannink, Figure 4, "412" and Jannink, col. 5 lines 32-39, i.e., *"In the system*

*shown in FIG. 4, a user 405 of **a computer 412** containing a client browser 410 (as is*

well known and understood in the art) can send a request 415 via a distributed

computer network (such as the Internet) to a web server 420"; Jannink, Figure 5,

showing "database 550" and "Chart Server 510") and teaches the limitations:

"means for selecting data of the database according to selection criteria"

(Jannink, Figure 3, i.e., *"305 INFORMAITON STRUCTURING PHASE";* Jannink, Figure

3, i.e., *"Determine an item from the data set 320";* Jannink, col. 3 lines 49-51, i.e., *"As*

a preparatory step in the information structuring phase, an item from the data set can be

selected in step 320"; Jannink, Figure 5, i.e.., "Database 550" and "query q (object) (if

not in cache)"; Jannink, Jannink, col. 5 lines 32-39, i.e., *"In the system shown in FIG. 4,*

a user 405 of a computer 412 containing a client browser 410 (as is well known and

understood in the art) can send a request 415 via a distributed computer network (such

as the Internet) to a web server 420"; Note that a user's "request" for a data item from a

database is a "criterion" by which requested data is selected;),

and "**means for arranging selected data in a representation space provided**

for the attention of at least one user" (Jannink Figure 1 and 2; Jannink, Abstract, i.e.,

" A <u>visualization of a set of related data</u> items is accomplished by ranking a plurality of

secondary data items with respect to their relationship to a principal data item"; Jannink,

col. 3 lines 37-43, i.e., *"FIG. 3 is a flow chart depicting a method for <u>visualization of</u>*

<u>large interrelated data sets</u>, according to the present invention. According to this

method, the <u>visualization of data sets containing a large number of items from data sets</u>

having two properties, namely that subsets of items in a data set relate to each other,

and the relationships between items have a value associated with each other, is

enabled"), **the representation space comprising a plurality of positions which can**

receive data elements that are representative of the selected data (Jannink Figure

1 and 2; Jannink, Col. 3 lines 5-6, i.e., *"In an embodiment, the affinity chart 129 may*

*consist of a single list of textual or <u>**graphical items**</u> and associated links. The <u>principal</u>*

<u>item</u> 131, <u>related items 132</u> and 142, first sequence elements 135, 145, and second

sequence elements 136, 146 may all appear as items of the list"),

"**wherein the device comprises:**

means for pre-defining at least one related representation area within

the representation space, formed by activated positions" (Jannink, col. 2, lines 64-

66, i.e., "Adjacent to the principal item 131 and at one end of a selected strings *of*

related items 132 and 142 are respective first sequence element 135 and 145"; Jannink,

Jannink, col. 3 lines 37-43, i.e., "FIG. 3 is a flow chart depicting a method for

visualization of large interrelated data sets, according to the present invention.

According to this method, the *visualization of data sets* containing a large number of

items from data sets having two properties namely that subsets of items in a data set

relate to each other, and the *relationships between items* have a value associated with

each other, is enabled"),

"means for specifying at least one data bootstrapping element for each of

the related areas" (Jannink, col. 3 lines 49-51, i.e., "As a preparatory step in the

information structuring phase, *an item from the data set can be selected* in step 320"),

"means for positioning the data bootstrapping element at a bootstrapping

position in the related representation area corresponding to the data

bootstrapping element" (Jannink, col. 4 lines 1-3, i.e., " related to *principal node 131*",

; Note that principal node 131 is the bootstrapping element which is positioned first),

"means for successively determining new data elements from at least a

data element already positioned in the related representation area" (Jannink, col. 3

lines 49-60, i.e., "As a preparatory step in the information structuring phase, an item

from the data set can be selected in step 320. Local rankings of the *relationships*

between items can be established in step 324, by ranking for each selected item j the

items i that relate to that item j, and then ranking all items k to which item j relates,

thereby ranking the affinity for each item j to item sets i and k"), "in accordance with

at least one proximity order relation based on contents of the selected data" (Jannink, col. 3 lines 58-62, i.e., *"To determine how an item relates to another item, <u>the</u> <u>strength of the relationship</u> between the items can be computed using any combination of objective or subjective criteria, or a combination of both";* Jannink, col. 4 lines 4-16, i.e., *" To determine both item set i and item set k in FIG. 1, both objective and subjective criteria related to The Beatles could be used. Objective criteria used to determine the relationships between various musical bands could include, for example, the era in which the band played (e.g. 1960s), and the genre of the music (e.g. rock, British Invasion, pop). Subjective criteria could include, for example, how well liked the band is based on feedback from users, and how often two bands appear together in radio station play lists"*),

"and means for automatically and successively positioning at least a part of the new data elements in the related representation area, at positions neighboring the positions occupied by the data elements already positioned" (Jannink, col. 3 lines 49-60, i.e., *"As a preparatory step in the information structuring phase, an item from the data set can be selected in step 320. Local rankings of the <u>relationships</u> <u>between items can be established in step 324</u>, by ranking for each selected item j the items i that relate to that item j, and then ranking all items k to which item j relates, thereby ranking the affinity for each item j to item sets i and k"* ; Jannink, col. 3 lines 58-62, i.e., *"To determine how an item relates to another item, <u>the strength of the</u> <u>relationship</u> between the items can be computed using any combination of objective or subjective criteria, or a combination of both";* Jannink, col. 4 lines 4-16, i.e., *" To*

determine both item set i and item set k in FIG. 1, both objective and subjective criteria

related to The Beatles could be used. Objective criteria used to determine the

relationships between various musical bands could include, for example, the era in

which the band played (e.g. 1960s), and the genre of the music (e.g. rock, British

Invasion, pop). Subjective criteria could include, for example, how well liked the band is

based on feedback from users, and how often two bands appear together in radio

station play lists"; Note that "the era" and "the genre of the music" are at least a part of

new data elements which relate to the data element(s) already positioned;), "**if these**

positions are not already occupied by data elements already positioned" (Jannink,

col. 4 lines 42-45, i.e., *"Next a visualization can be generated, by presenting results*

separately for each item in a predetermined data set and adjusting the presentation to

avoid information overlap and overload"; Jannink, col. 4 lines 62-63, i.e. *"In step 354,*

the related item can be individually spaced on the affinity chart by its rank, with each

item being placed in a non-overlapping position by allowing sufficient vertical and

horizontal displacement in step 358"),

　　　"**wherein the means for selecting data including the means for specifying**

and the means for successively determining" (Jannink, Figure 3, i.e., *"305*

INFORMAITON STRUCTURING PHASE" maps to "the means for selecting data" of the

claim language which includes means for specifying and means for successively

determining) **and the means for arranging including the means for pre-defining,**

the means for positioning the data bootstrapping element and the means for

automatically and successively positioning" (Jannink, Figure 3, i.e., *"310 CHART*

LAYOUT PHASE" which maps to "the means for arranging" of the claim language which includes the means for pre-defining, the means for positioning the data bootstrapping element and the means for automatically successively positioning).

Jannink does not explicitly teach the limitation: "the positioning of new data elements being randomly defined by the device for processing information at each user's request".

Boateng teaches:

"positioning of new data elements being randomly defined by the device for processing information at each user's request" (Boateng, Abstract, i.e., *"the game can be embodied as an electronic or computer game in which letters stored in memory are <u>randomly presented upon user request</u> and number <u>position</u> and left-right indication are also <u>randomly presented upon user request</u>"; Boateng, paragraph 0032, i.e., "A user actuates the respective keys to <u>cause random selection of a number</u> for display and the <u>random selection of the left or right designation for display</u> on the respective displays, as shown in FIG. 7"*)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of randomly defining positions of data elements by a device at user's request, as taught by Boateng, to the device of Jannink so that the resultant device would randomly define positions of data elements by a device each user's request. One would have been motivated to do so in order to allow users request data elements randomly and position said data elements randomly (Boateng, paragraph [0006]).

Claim 2 is rejected under the same rationale as claim 1. As per claim 2, Jannink

in view of Boateng teaches the limitations:

"**wherein means for successively determining and means for automatically

and successively positioning are provided to form neighborhood cards centered

on the data elements already positioned**" (Jannink, col. 3 lines 49-60; Jannink, col. 3

lines 58-62 ;), "**each of the neighborhood cards centered on one of the data

elements already positioned giving data elements neighboring the data element

in accordance with the proximity order relation and**" (Jannink, col. 3 lines 58-62;

Jannink, col. 4 lines 4-16), and "**to select the new elements from the neighboring

elements and to place them in the related area corresponding to the element

already positioned at positions neighboring the element**" (Jannink, col. 3 lines 49-

60; Jannink, col. 3 lines 58-62; Jannink, col. 4 lines 4-16).

Claim 3 is rejected under the same rationale as claim 1. As per claim 3, Jannink

in view of Boateng teaches the limitations:

"**wherein the means for successively determining and means for

automatically and successively positioning are provided to place the neighboring

data elements at positions relative to the element in the related representative

area, which correspond to the positions relative to the data element of the

neighboring data elements in the neighborhood card**" (Jannink, col. 3 lines 49-60;

Jannink, col. 3 lines 58-62; Jannink, col. 4 lines 4-16).

Claim 4 is rejected under the same rational as claim 1. As per claim 4, Jannink in

view of Boateng teaches the limitation:

"wherein the means for successively determining and means for

automatically and successively positioning are provided to supply the

neighborhood cards to representation means for the attention of the user"

(Jannink Figure 1 and 2; Jannink, Abstract, i.e., " *A visualization of a set of related data*

items is accomplished by ranking a plurality of secondary data items with respect to

their relationship to a principal data item").

Claim 5 is rejected under the same rationale as claim 1. As per claim 5, Jannink

in view of Boateng teaches the limitation:

"wherein the means for successively determining are provided to exclude

from the new data elements, the data elements already positioned, so as to

represent, at the most once, each of the data elements in the representation

space" (Jannink, col. 4 lines 42-45, i.e., *"Next a visualization can be generated, by*

presenting results separately for each item in a predetermined data set and adjusting

the presentation to avoid information overlap and overload"; Jannink, col. 4 lines 62-

63, i.e. *"In step 354, the related item can be individually spaced on the affinity chart by*

its rank, with each item being placed in a non-overlapping position by allowing sufficient

vertical and horizontal displacement in step 358").

Claim 6 is rejected under the same rationale as claim 1. As per claim 6, Jannink

in view of Boateng teaches the limitation:

"wherein the means for successively determining and means for

automatically and successively positioning are provided to determine and

position the new data elements as and when there are selections by the user, in

the representation space, of positions neighboring the positions occupied by the

data elements already positioned" (Jannink, col. 5 lines 15-19, i.e., *"Once the*

selected item and its associated affinity curves from the data set have been hyperlinked,

navigation by the user can occur by the user clicking to connect to a selected related

affinity chart"; Jannink, col. 7 lines 18-20, i.e. *"Each search link 714 can permit a user to*

produce a page that has search results or additional information about the selected

item").

Claim 7 is rejected under the same rationale as claim 1. As per claim 7, Jannink

in view of Boateng teaches the limitation:

"wherein the means for successively determining are intended to use, for

the proximity order relation, at leas one of the relations based one: a number of

identical terms in the contents, a number of similar terms for a predefined part of

the contents, a difference in dates in the contents, a number of similar graphic

patterns in the contents, and a number of similar sound patents in the contents"

(Jannink, col. 3 lines 58-62, i.e., *"To determine how an item relates to another item, the*

strength of the relationship between the items can be computed using any combination

of objective or subjective criteria, or a combination of both"; Jannink, col. 4 lines 4-16,

i.e., " To determine both item set i and item set k in FIG. 1, both objective and subjective

criteria related to The Beatles could be used. Objective criteria used to determine the

relationships between various musical bands could include, for example, the era in

which the band played (e.g. 1960s), and the genre of the music (e.g. rock, British

Invasion, pop). Subjective criteria could include, for example, how well liked the band is

based on feedback from users, and how often two bands appear together in radio

station play lists").

Claim 9 is rejected under the same rational as claim 1. As per claim 9, Jannink in view of Boateng teaches the limitation:

"wherein the means for pre-defining the related representation area are provided to allow a user to construct the related representation area" (Jannink, col. 3 lines 49-60, i.e., *"As a preparatory step in the information structuring phase, an item from the data set can be selected in step 320. Local rankings of the relationships between items can be established in step 324, by ranking for each selected item j the items i that relate to that item j, and then ranking all items k to which item j relates, thereby ranking the affinity for each item j to item sets i and k"*).

Claim 10 is rejected under the same rationale as claim 1. As per claim 10, Jannink in view of Boateng teaches the limitation:

"wherein the means for specifying are provided, in case of definition of

several related representation areas by the means for pre-defining at least one

related representation area, to specify a first data bootstrapping element in one of

the related representation areas, then to specify the other bootstrapping elements

from the first bootstrapping data element by means of the proximity order

relation" (Jannink, col. 2, lines 64-66, i.e., " *Adjacent to the principal item 131 and at*

one end of a selected strings <u>of related items</u> 132 and 142 are respective first sequence

element 135 and 145"; Jannink, col. 3 lines 58-62, i.e., *"To determine how an item*

relates to another item, <u>the strength of the relationship</u> between the items can be

computed using any combination of objective or subjective criteria, or a combination of

both"; Jannink, col. 4 lines 4-16, i.e., " *To determine both item set i and item set k in*

FIG. 1, both objective and subjective criteria related to The Beatles could be used.

Objective criteria used to determine the relationships between various musical bands

could include, for example, the era in which the band played (e.g. 1960s), and the genre

of the music (e.g. rock, British Invasion, pop). Subjective criteria could include, for

example, how well liked the band is based on feedback from users, and how often two

bands appear together in radio station play lists").

Claim 11 is rejected under the same rationale as claim 1. As per claim 11,

Jannink in view of Boateng teaches the limitation:

"the apparatus being preferentially chosen from a television set, a personal

digital assistant and a personal computer" (Jannink, col. 5 lines 32-39, i.e., *"In the*

*system shown in FIG. 4, a user 405 of **a computer 412** containing a client browser*

410).

Claim 12 is rejected on the same basis as claim 1.

Claim 13 is rejected on the same basis as claim 12.

8.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jannink in

view of Boateng and further in view of Spratt (U.S. Patent Application Publication

Number 20020040326).

As per claim 8, Jannink in view of Boateng does not explicitly teach the limitation:

"(to specify bootstrapping data elements) according to a user profile". Note that Jannink

teaches specifying bootstrapping elements.

Spratt teaches specifying next item to download based on a user profile (Spratt,

paragraph 0047, i.e., *" It is also possible to effect selection off-line--for example, the*

content server can decide what content items it will next download to the mobile device,

when the latter is next cradled, <u>on the basis of a stored copy of the relevant user</u>

<u>preference profile</u>, notwithstanding that the profile may not be fully up to date").

At the time the invention was made, it would have been obvious to a person of

ordinary skill in the art to add the feature of specifying an data item based on user

profile, as taught by Spratt, to the device of Jannink in view of Boateng so that the

resultant device would specify bootstrapping elements according to a user profile. One

would have been motivated to do so in order to "personalize download selections

according to a user's perceived tastes" (Spratt, paragraph 0001).

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Contact Information

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENNIS MYINT whose telephone number is (571)272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Myint/
Examiner, Art Unit 2162

/John E Breene/
Supervisory Patent Examiner, Art Unit 2162